

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Santos Kamara

(b) County of Residence of First Listed Plaintiff Delaware
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Val Pleet Wilson, Esquire, Wilson and Johnson, One South Broad Street
Suite 1830, Philadelphia, PA 19107 215-988-0277

DEFENDANTS

Sean Fletcher and TireHub, LLC

County of Residence of First Listed Defendant Camden
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
Laurianne Falcone; Marshall Dennehey Warner Coleman & Goggin
2000 Market Street, Suite 2300, Philadelphia, PA 19103
(215) 575-2715

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input checked="" type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

- (Place an "X" in One Box Only)
- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1441 (b); 28 U.S.C. § 1332

Brief description of cause:

Motor vehicle accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/31/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Santos Kamara

v.

Sean Fletcher and TireHub, LLC

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

5/31/2019

Date

215-575-2715

Telephone

Attorney-at-law

215-575-0856

FAX Number

Defendants, Sean Fletcher and TireHub, LLC

Attorney for

lafalcone@mdwecg.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Santos Kamara

v.

Sean Fletcher and TireHub, LLC

CIVIL ACTION

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In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

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5/31/2019

Date

215-575-2715

Telephone

Attorney-at-law

215-575-0856

FAX Number

Defendants, Sean Fletcher and TireHub, LLC

Attorney for

lafalcone@mdwecg.com

E-Mail Address

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 206 Londonderry Lane, Darby, PA 19023

Address of Defendant: 1 Ravinia Drive NE, Suite 1300, Dunwoody, GA

Place of Accident, Incident or Transaction: Upper Merion Township, PA

RELATED CASE, IF ANY:

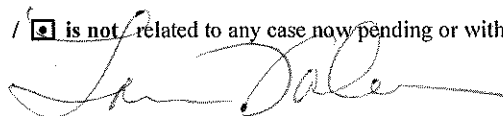
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/31/2019



Attorney-at-Law / Pro Se Plaintiff

85764

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

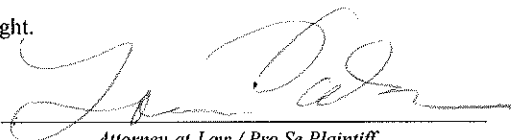
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Laurianne Falcone, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 05/31/2019



Attorney-at-Law / Pro Se Plaintiff

85764

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

SANTOS KAMARA
Plaintiffs

vs.

SEAN FLETCHER AND
TIREHUB, LLC
Defendants,

)
)
)
)
)
)
)

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

NO.

SANTOS KAMARA

vs.

SEAN FLETCHER AND
TIREHUB, LLC

:
:
:
:
:
:
:

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

APRIL TERM, 2019

NO. 4530

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA:

COMES NOW Defendants, Sean Fletcher and Tirehub, LLC, by and through their undersigned counsel, pursuant to 28 U.S.C. §§ 1332 and 1441, and file this Notice of Removal of the above lawsuit, originally filed in the Court of Common Pleas of Philadelphia County, State of Pennsylvania, and in support of their Notice of Removal, states as follows:

1. This is a civil action over which the district courts of the United States have original jurisdiction pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

2. On or about April 30, 2019, Plaintiff filed a Complaint in the Court of Common Pleas of Philadelphia County, State of Pennsylvania alleging claims for negligence.

3. Plaintiff's claims arise from an incident that occurred on or about October 27, 2018 which resulted in alleged personal injuries to the plaintiff while involved in a motor vehicle

accident. A copy of the court file for Philadelphia CCP April Term 2019, No. 4530 is attached hereto and incorporated by reference as Exhibit A.

4. On or about May 24, 2019, the parties filed a Stipulation to Amend the Caption to identify the proper defendants as Sean Fletcher and TireHub, LLC. A copy of the Stipulation is attached hereto and incorporated by reference as Exhibit A.

5. Under 28 U.S.C. § 1441(a), “any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by defendant or the defendants[.]” 28 U.S.C. § 1441(a).

6. Under 28 U.S.C. § 1332, the district courts of the United States have original jurisdiction of “all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between (1) citizens of different States.” 28 U.S.C. § 1332.

7. Since Plaintiff lives in Pennsylvania, Defendant Sean Fletcher lives in New Jersey, and Defendant TireHub, LLC has a principal place of business in Georgia, and is incorporated in Delaware, under 28 U.S.C. § 1332, the district courts of the United States have original jurisdiction over this matter, and thus, this civil action should be removed to this Court pursuant to 28 U.S.C § 1441(a).

8. Because TireHub, LLC and Sean Fletcher are the only properly named defendant in this matter, there are no other defendants that must consent to this removal.


9. Defendants were served with a copy of Plaintiff’s Complaint on May 14, 2019. Therefore, this Notice of Removal has been timely filed within thirty (30) days after service pursuant to 28 U.S.C. § 1446.

10. Sean Fletcher and TireHub, LLC, simultaneously, with filing of this Notice of Removal, have given written notice of their filing of this Notice of Removal to Plaintiff, and will file a copy of the Notice of Removal with the Prothonotary of the Court of Common Pleas of Philadelphia County Pennsylvania.

WHEREFORE, Sean Fletcher and TireHub, LLC, hereby request that the above mentioned state court action be removed from Court of Common Pleas of Philadelphia, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**



LAURIANNE FALCONE
Identification No. 85764
2000 Market Street, Suite 2300
Philadelphia, PA 19103
Phone: 215-575-2715
Fax: 215-575-0856
lafalcone@mdwgcg.com
Attorney for Defendants

Dated: May 31, 2019

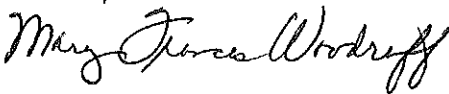
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF PENNSYLVANIA : SS

AFFIDAVIT

Laurianne Falcone, being duly sworn according to law deposes and says that the facts set forth in the foregoing Notice of Removal are true and correct to the best of her knowledge, information and belief.


LAURIANNE FALCONE

Sworn to and Subscribed
Before me this 30th day
of MAY, 2019



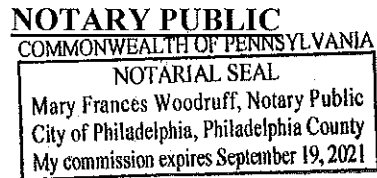


EXHIBIT "A"

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

APRIL 2019**004530**

E-Filing Number: 1904070467

PLAINTIFF'S NAME SANTOS KAMARA		DEFENDANT'S NAME SEAN FLETCHER	
PLAINTIFF'S ADDRESS 206 LONDONBERRY LANE DARBY PA 19023		DEFENDANT'S ADDRESS 3111 WALDORF AVENUE CAMDEN NJ 08105	
PLAINTIFF'S NAME		DEFENDANT'S NAME THE GOODYEAR TIRE AND RUBBER COMPANY	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1144 E MARKET STREET AKRON OH 44316	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Savings Action <input checked="" type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input checked="" type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY APR 30 2019 A. SILIGRINI	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>SANTOS KAMARA</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY VAL P. WILSON		ADDRESS ONE SOUTH BROAD SUITE 1830 PHILADELPHIA PA 19107	
PHONE NUMBER (215) 988-9277	FAX NUMBER (215) 988-1580		
SUPREME COURT IDENTIFICATION NO. 25787		E-MAIL ADDRESS vpw@wjzlaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY VAL WILSON		DATE SUBMITTED Tuesday, April 30, 2019, 03:47 pm	

WILSON AND JOHNSON
 BY: VAL PLEET WILSON, ESQUIRE
 I.D. NO. 25787
 ONE SOUTH BROAD - 18TH FLOOR
 ONE SOUTH BROAD STREET
 PHILADELPHIA, PA 19107
 (215) 988-9277
 ATTORNEY FOR PLAINTIFFS

MAJOR CASE

Filed and Attested by the
 Office of Judicial Records
 30 APR 2019 3:07 pm



**2V-Motor Vehicle Accident
 Assessment of Damages Hearing
 Required.**

SANTOS KAMARA
 206 Londonderry Lane
 Darby, PA 19023

v.

SEAN FLETCHER
 3111 Waldorf Avenue
 Camden, NJ 08105

AND

**THE GOODYEAR TIRE AND RUBBER
 COMPANY**
 1144 E Market Street
 Akron, OH 44316-0001

: **Court of Common Pleas
 Philadelphia County**
 :
 : **Trial Division**
 : **April Term 2019**

: **Civil Action**
 : **No.**

COMPLAINT **NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages. You must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER (OR CAN NOT AFFORD ONE), GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW (TO FIND OUT WHERE YOU CAN GET LEGAL HELP). THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CAN NOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Le han demandado a usted en la corte. Si usted quiere defendarse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita a persona o con un abogado y entregar a la corte forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso a notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO, INMEDIATAMENTE. SI USTED NO TIEN ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ESTA OFICINA PUEDE INFORMACION PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.

SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE

ONE READING CENTER
PHILADELPHIA, PENNSYLVANIA 19107
(215) 238-1701

ASISTENCIA LEGAL
ASOCIACION DE LICENCIADOS DE FILADELFA
SERVICIO DE REFERENCIAL LEGAL

One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-1701

WILSON AND JOHNSON
BY: VAL PLEET WILSON, ESQUIRE
I.D. NO. 25787
ONE SOUTH BROAD - 18TH FLOOR
ONE SOUTH BROAD STREET
PHILADELPHIA, PA 19107
(215) 988-9277
ATTORNEY FOR PLAINTIFFS

MAJOR CASE

**2V-Motor Vehicle Accident.
Assessment of Damages Hearing
Required.**

SANTOS KAMARA
206 Londonderry Lane
Darby, PA 19023

v.

SEAN FLETCHER
3111 Waldorf Avenue
Camden, NJ 08105
AND
**THE GOODYEAR TIRE AND RUBBER
COMPANY**
1144 E Market Street
Akron, OH 44316-0001

: **Court of Common Pleas
Philadelphia County**
:
: **Trial Division
April Term 2019**

: **Civil Action
No.**
:
:

COMPLAINT

1. Plaintiff, SANTOS KAMARA, is an adult individual residing at the above captioned address.
2. Defendant, SEAN FLETCHER, is an adult individual residing at the above captioned address.
3. Defendant, THE GOODYEAR TIRE AND RUBBER COMPANY (hereinafter "GOODYEAR"), is a corporation with a registered office for service of process and offices at the above captioned address.
4. Defendant, GOODYEAR, is a corporation that conducts business in the City and County of Philadelphia.
5. Defendant, SEAN FLETCHER, was the driver of the vehicle involved in this accident and was a permissive user of the vehicle he was operating at the time of the subject motor

vehicle accident.

6. Defendant, SEAN FLETCHER, was, at all relevant and material times, the workman, servant, agent and/or employee of Defendant, GOODYEAR, and was then and there acting in the course and scope of such work, servitude, agency or employment.

7. Defendant, GOODYEAR, was the owner of the vehicle involved in this accident.

8. When used herein, unless otherwise set forth, the term Plaintiff shall include all Plaintiffs and the term Defendant shall include all Defendants. The term Defendant shall include all and any agents, servants, employees or workers of the Defendant.

9. Plaintiff reserves the right to amend the complaint to reflect the correct legal identity and/or address of any parties referred to herein.

10. All material facts and occurrences took place on October 27, 2018 on I-76 Eastbound at or near MM 330 in Upper Merion Township, Montgomery County, Pennsylvania.

11. On or about October 27, 2018, at or near the above described location, Plaintiff, SANTOS KAMARA, was lawfully and carefully operating a motor vehicle and was stopped in traffic when he was forcefully and violently struck in the rear by a vehicle operated by Defendant SEAN FLETCHER and owned by Defendant, GOODYEAR, with the result that the Plaintiff suffered at least the severe and serious injuries hereinafter set forth.

12. On or about October 27, 2018 on I-76 Eastbound at or near MM 330 in Upper Merion Township, Montgomery County, Pennsylvania, Plaintiff SANTOS KAMARA, was operating a motor vehicle.

13. On or about October 27, 2018 on I-76 Eastbound at or near MM 330 in Upper Merion Township, Montgomery County, Pennsylvania, Defendant, SEAN FLETCHER, was operating a motor vehicle.

14. On or about October 27, 2018 on I-76 Eastbound at or near MM 330 in Upper Merion Township, Montgomery County, Pennsylvania there was an impact between the vehicle operated by Defendant SEAN FLETCHER and the vehicle operated by Plaintiff.

15. Defendant SEAN FLETCHER was negligent in the operation of his vehicle.
16. Defendant GOODYEAR is vicariously liable for the negligence of the driver of the Defendant vehicle, SEAN FLETCHER.
17. The negligence of the Defendants includes:
 - A. Operating their vehicle at a high, dangerous speed under the circumstances;
 - B. Failing to have the vehicle under proper control;
 - C. In crashing into the rear of another vehicle;
 - D. In that the Driver was inattentive and failed to maintain a sharp lookout of the road and the surrounding traffic conditions;
 - E. In being inattentive and colliding with another motor vehicle;
 - F. In failing to properly inspect vehicle for any mechanical defects;
 - G. In violating the various statutes and municipal ordinances pertaining to the operation to the operation of motor vehicles on public thoroughfares under the circumstances;
 - H. In driving and or operating the vehicle in a negligent and/or careless manner under the circumstances;
 - I. In proceeding in the direction of another vehicle when Defendants knew or in the exercise of reasonable care should have known that doing so would result in a collision with another vehicle and would foreseeably result in the severe and serious injuries incurred by the Plaintiff;
 - J. In failing to maintain proper lookout for the presence of other motor vehicles on the road;

- K. In operating a vehicle in a manner not consistent with the traffic and/or road and weather conditions prevailing at the time;
- L. In not yielding the right of way;
- M. In violating the rules of the road and or in driving negligently;
- N. In failing to maintain a safe and adequate distance between the Defendant vehicle and Plaintiff's vehicle;
- O. In failing to stop for traffic on the roadway;
- P. In failing to maintain an assured, clear distance between the Defendant's vehicle and Plaintiff's vehicle;
- Q. In operating a motor vehicle at an unsafe speed under the circumstances;
- R. In violating 75 Pa.C.S. Section 3321 - Vehicle approaching or entering intersection;
- S. In violating 75 Pa.C.S. Section 3111 - Obedience to traffic control devices;
- T. In violating 75 Pa.C.S. Section 3112 - Traffic Control Signals;
- U. In violating 75 Pa.C.S. Section 3361 - Driving Vehicle at safe speed;
- V. In violating 75 Pa.C.S. Section 3714 - Careless Driving;
- W. In violating 75 Pa.C.S. Section 3310 – Following too closely;
- X. In being otherwise careless, reckless, and or negligent in the operation of a motor vehicle.

18. The violations of the motor code by defendants as set forth above are negligence

per se.

19. The negligence of the defendants and or the negligence of their employees and or agents and or the joint and/or several negligence of the above defendants and or the negligence of their employees and or agents was a factual cause of the accident and of the injuries and damages sustained by Plaintiff. In the alternative, the negligence of the defendants and or the negligence of their employees and or agents and or the joint and/or several negligence of the defendants and or the negligence of their employees and or agents was a substantial factor in causing the accident and injuries and damages sustained by Plaintiff.

20. The accident was factually caused by the joint and/or several negligence and/or recklessness of the Defendants and in no way was caused by the Plaintiff.

21. The negligence of the Defendants was a factual cause of the following damages to Plaintiff, SANTOS KAMARA:

- A. Injuries, dysfunctions, impairments, serious impairments, permanent impairment of a body function, pain and trauma to various parts of the body, including injury to the spine, aches and pains, pain and suffering and or other injuries
- B. Past Medical Expenses
- C. Future Medical Expenses
- D. Past Lost Earnings and Lost Earnings Capacity
- E. Future Loss of Earnings and Lost Earning Capacity
- F. Past Pain and Suffering
- G. Future Pain and Suffering
- H. Past Embarrassment and Humiliation
- I. Future Embarrassment and Humiliation
- J. Past Loss of Ability to Enjoy the Pleasures of Life
- K. Future Loss of Ability to Enjoy the Pleasures of Life

- L. Disfigurement
 - M. Loss of Consortium
 - N. Emotional Distress
 - O. Property Damage
 - P. Incidental Costs
22. Plaintiff requests punitive damages.

COUNT ONE

PLAINTIFF SANTOS KAMARA V. DEFENDANT SEAN FLETCHER

23. Paragraphs 1 through 22 are incorporated by reference herein.

WHEREFORE, Plaintiff bring this action against Defendant to recover damages in a sum in excess of fifty thousand dollars (\$50,000), plus interest, costs, and delay damages under Rule 238, Pennsylvania Rules of Civil Procedure and punitive damages.

COUNT TWO

PLAINTIFF SANTOS KAMARA V. DEFENDANT GOODYEAR

24. Paragraphs 1 through 23 are incorporated by reference herein.

WHEREFORE, Plaintiff bring this action against Defendant to recover damages in a sum in excess of fifty thousand dollars (\$50,000), plus interest, costs, and delay damages under Rule 238, Pennsylvania Rules of Civil Procedure and punitive damages.

Respectfully Submitted,

/s/ Val Pleet Wilson

Val Pleet Wilson, Esquire
Attorney for Plaintiff

VERIFICATION

I, Santos Kamara, hereby state:

1. I am a Plaintiff in this action;
2. I verify that the statements made in the foregoing are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said PLEADING are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

SANTOS

SANTOS KAMARA

v.

SEAN FLETCHER

and

THE GOODYEAR TIRE AND
RUBBER COMPANY

2019 MAY 14 AM 10:21

SEPTEMBER TERM 2019
NO. 4530

STIPULATION TO AMEND CAPTION

The parties herein agree that the proper defendants in this matter are "TireHub, LLC" and "Sean Fletcher". "The Goodyear Tire and Rubber Company" is hereby dismissed from this action. The caption shall be amended accordingly

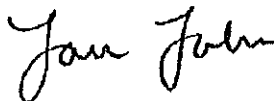
WILSON & JOHNSON



By: _____

VAL PLEET WILSON
Attorney for Plaintiff

MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN



By: _____

LAURIANNE FALCONE
Attorney for Defendants